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1994/03/13

STATEMENT OF COOPERATION ON THE IMPLEMENTATION
OF THE MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE PEOPLE'S REPUBLIC OF CHINA:
US PROHIBITING IMPORT AND EXPORT TRADE
IN PRISON LABOR PRODUCTS

(L1)

AS THE CHINESE GOVERNMENT ACKNOWLEDGES AND RESPECTS UNITED STATES LAWS CONCERNING THE PROHIBITION OF THE IMPORT OF PRISON LABOR PRODUCTS, AND THE UNITED STATES GOVERNMENT RECOGNIZES AND RESPECTS CHINESE LEGAL REGULATIONS CONCERNING THE PROHIBITION OF THE EXPORT OF PRISON LABOR PRODUCTS:

AS CHINA AND THE UNITED STATES TAKE NOTE AND APPRECIATE THE GOOD INTENTIONS AND EFFORTS MADE BY BOTH SIDES IN IMPLEMENTING THE "MEMORANDUM OF UNDERSTANDING" SIGNED IN AUGUST 1992;

THE CHINESE GOVERNMENT AND THE UNITED STATES GOVERNMENT AGREE THAT CONDUCTING INVESTIGATIONS OF SUSPECTED EXPORTS OF PRISON LABOR PRODUCTS DESTINED FOR THE UNITED STATES REQUIRES COOPERATION BETWEEN BOTH SIDES IN ORDER TO ASSURE THE ENFORCEMENT OF THE RELEVANT LAWS OF BOTH COUNTRIES. BOTH SIDES AGREE THAT THEY SHOULD STIPULATE CLEAR GUIDELINES AND PROCEDURES FOR THE CONDUCT OF THESE INVESTIGATIONS. THEREFORE, BOTH SIDES AGREE TO THE ESTABLISHMENT OF

SPECIALIZED PROCEDURES AND GUIDELINES ACCORDING TO THE FOLLOWING PROVISIONS:

FIRST: WHEN ONE SIDE PROVIDES THE OTHER SIDE A REQUEST, BASED ON SPECIFIC INFORMATION, TO CONDUCT INVESTIGATIONS OF SUSPECTED EXPORTS OF PRISON LABOR PRODUCTS DESTINED FOR THE UNITED STATES, THE RECEIVING SIDE WILL PROVIDE THE REQUESTING SIDE A COMPREHENSIVE INVESTIGATIVE REPORT WITHIN 60 DAYS OF THE RECEIPT OF SAID WRITTEN REQUEST. AT THE SAME TIME, THE REQUESTING SIDE WILL PROVIDE A CONCLUDING EVALUATION OF THE RECEIVING SIDE'S INVESTIGATIVE REPORT WITHIN 60 DAYS OF RECEIPT OF THE REPORT.

SECOND: IF THE UNITED STATES GOVERNMENT, IN ORDER TO RESOLVE SPECIFIC OUTSTANDING CASES, REQUESTS A VISIT TO A SUSPECTED FACILITY, THE CHINESE GOVERNMENT WILL, IN CONFORMITY WITH CHINESE LAWS AND REGULATIONS AND IN ACCORDANCE WITH THE MOU, ARRANGE FOR RESPONSIBLE UNITED STATES DIPLOMATIC MISSION OFFICIALS TO VISIT THE SUSPECTED FACILITY WITHIN 60 DAYS OF THE RECEIPT OF A WRITTEN REQUEST.

THIRD: THE UNITED STATES GOVERNMENT WILL SUBMIT A REPORT INDICATING THE RESULTS OF THE VISIT TO THE CHINESE GOVERNMENT WITHIN 60 DAYS OF A VISIT BY DIPLOMATIC OFFICIALS TO A SUSPECTED FACILITY.

FOURTH: IN CASES WHERE THE U.S. GOVERNMENT PRESENTS NEW OR PREVIOUSLY UNKNOWN INFORMATION ON SUSPECTED EXPORTS OF PRISON LABOR PRODUCTS DESTINED FOR THE U.S. REGARDING A SUSPECTED FACILITY THAT WAS ALREADY VISITED, THE CHINESE GOVERNMENT WILL ORGANIZE NEW INVESTIGATIONS AND NOTIFY THE U.S. SIDE. IF NECESSARY, IT CAN ALSO BE ARRANGED FOR THE U.S. SIDE TO AGAIN VISIT THAT SUSPECTED FACILITY.

FIFTH: WHEN THE CHINESE GOVERNMENT ORGANIZES THE INVESTIGATION OF A SUSPECTED FACILITY AND THE U.S. SIDE IS ALLOWED TO VISIT THE SUSPECTED FACILITY, THE

U.S. SIDE WILL PROVIDE RELATED INFORMATION CONDUCIVE TO THE INVESTIGATION. IN ORDER TO ACCOMPLISH THE PURPOSE OF THE VISIT, THE CHINESE SIDE WILL, IN ACCORDANCE WITH ITS LAWS AND REGULATIONS, PROVIDE AN OPPORTUNITY TO CONSULT RELEVANT RECORDS AND MATERIALS ON-SITE AND ARRANGE VISITS TO NECESSARY AREAS OF THE FACILITY. THE U.S. SIDE AGREES TO PROTECT RELEVANT PROPRIETARY INFORMATION OF CUSTOMERS OF THE FACILITY CONSISTENT WITH THE RELEVANT TERMS OF THE PRISON LABOR MOU.

- SIXTH: BOTH SIDES AGREE THAT ARRANGEMENTS FOR U.S. DIPLOMATS TO VISIT SUSPECTED FACILITIES, IN PRINCIPLE, WILL PROCEED AFTER THE VISIT TO A PREVIOUS SUSPECTED FACILITY IS COMPLETELY ENDED AND A REPORT INDICATING THE RESULTS OF THE VISIT IS SUBMITTED.

BOTH SIDES FURTHER AGREE TO CONTINUE TO STRENGTHEN ALREADY ESTABLISHED EFFECTIVE CONTACTS BETWEEN THE

CONCERNED MINISTRIES OF THE CHINESE GOVERNMENT AND THE U.S. EMBASSY IN BEIJING AND TO ARRANGE MEETINGS TO DISCUSS SPECIFIC DETAILS WHEN NECESSARY TO FURTHER THE IMPLEMENTATION OF THE MOU IN ACCORDANCE WITH THE POINTS NOTED ABOVE.

DONE AT BEIJING, IN DUPLICATE, THIS THIRTEENTH DAY OF MARCH, 1994, IN THE ENGLISH AND THE CHINESE LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

REPRESENTATIVE OF THE CHINESE SIDE:	REPRESENTATIVE OF THE UNITED STATES SIDE:
YANG XINGDI	CHRISTOPHER J. SZYMAKSKI

DEPARTMENT OF STATE		IS/FPC/CDR <u>here</u>	Date: <u>9/13/94</u>
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